

**Attachment B**  
**Montgomery County Code**  
**Chapter 48, Article V. Recycling.**

**Sec. 48-45. Findings and Policies.**

(a) The County Council finds that undertaking a long term commitment to remove and recycle certain materials from the solid waste stream is a necessary part of the County's integrated solid waste management system of recycling, resource recovery and landfilling. Extensive recycling will:

- (1) Decrease the flow of solid waste to overburdened County disposal facilities;
- (2) Aid in the conservation and recovery of valuable resources;
- (3) Conserve energy;
- (4) Increase the supply of reusable raw materials;
- (5) Reduce the cost of planning, constructing, and operating solid waste disposal facilities; and
- (6) Reduce the environmental impact of waste management.

(b) The County Council also finds that the objectives of the Comprehensive Solid Waste Management Plan adopted under State law will be promoted by establishing a recycling program. The program should include:

- (1) A mandatory recycling program for homes, industries and businesses wherein residents will recycle their recyclable solid waste in conformance with Executive regulation. Materials subject to mandatory recycling can be set out for County operated collection, taken to drop-off centers or recycled by private or charitable organizations;
- (2) Recycling drop-off centers where collection is not practical;
- (3) Purchase by the County of products made at least in part from recyclable solid waste;
- (4) Encouraging any entity not subject to this Chapter to adopt a recycling program;
- (5) Development of special pilot recycling programs to address recycling of plastics, yard wastes and other potentially recyclable materials;
- (6) Construction of a recyclable materials recovery center adjacent to the Shady Grove transfer station;
- (7) Coordination of a network of volunteers to promote recycling;
- (8) Development and dissemination of educational material to inform the public about recycling and promote recycling programs; and
- (9) Other innovative actions and programs designed to develop recycling in the County.

(c) The County Council found in Resolution 11-733 that to recycle 27% of the solid

waste stream by 1992 and 30% before the resource recovery plant is expanded is in the public interest. The County Council reaffirms that it is in the public interest to recycle as much solid waste as practical and that the goals adopted in Resolution 11-733 are the goals of this program. (1990 L.M.C., ch. 4, § 1.)

**Sec. 48-46. Recyclable solid waste; definition.**

- (a) In this article, recyclable solid waste means those materials in the solid waste stream which may be separated and reused.
- (b) Recyclable solid waste includes:
  - (1) Containers and other products made from metals;
  - (2) Tree cuttings, bush trimmings, plants, leaves, grass, garden trimmings and similar yard waste;
  - (3) Glass products;
  - (4) Newspapers;
  - (5) Corrugated cardboard;
  - (6) Office paper;
  - (7) Motor oil;
  - (8) Lead acid batteries;
  - (9) Motor vehicle tires; and
  - (10) Medium and large high-density polyethylene and polyethylene terephthalate containers, and any other plastic materials suitable for recycling.
- (c) The list of materials in subsection (b) may be changed or expanded by Executive regulation. (1990 L.M.C., ch. 4, § 1.)

**Sec. 48-47. Recyclable solid waste program.**

- (a) The County Executive must develop a recyclable solid waste program. The program may be established by executive regulation.
- (b) Under the recyclable solid waste program, the County must collect, separate, and recycle, to the maximum extent practical, each material listed in subsection 48-46(b) unless:
  - (1) Recycling of that material is not technically feasible on the scale proposed; or
  - (2) Collection and separation of the material (generally or from a particular geographic area or source of waste) and recycling the material will substantially increase the cost to the County solid waste management system of disposing of that material after subtracting all avoided net costs of burning or burying the material.
- (c) The regulations may provide for:
  - (1) Creation of recycling service areas for the collection, processing and marketing of recyclable solid waste. The recycling program may vary from recycling service area to recycling service area. The Executive must make every reasonable effort to implement curbside collection of recyclable solid waste in those areas in which solid waste is generally collected at curbside. The basis for determining recycling activities in a recycling service area may include:

- (A) Population densities;
  - (B) Housing patterns;
  - (C) Land use patterns;
  - (D) The types and amounts of recyclable solid waste generated in any area; and
  - (E) Other factors affecting cost-effectiveness.
- (2) Creation of financial and other incentives, including technical assistance, awards and publicity, for recycling initiatives undertaken by any person. The financial incentives may include special rates or fees for the collection and processing of recyclable solid waste, to be established when the County Council sets rates and fees for solid waste management and disposal.
- (3) Purchase of items by the County which are manufactured at least in part from recyclable solid waste.
- (d) The regulations must specify the standards and methods by which, and the base from which, the goals of the program and the level of recycling that the program achieves in any year are measured.
- (e) The County Executive must adopt an ongoing program to study recycling program and technology. This program must include pilot projects to test the effectiveness of new recycling efforts and to provide the basis for expanding the recycling program.
- (f) The County Executive must report to the Council at least every 2 years on the expansion of recycling service areas, and particularly on the extent that new housing subdivisions are included in the service areas.
- (g) The County Executive must encourage municipalities and other entities which are not included in a recycling service area to adopt an effective recycling program. The County Executive may enter into agreements with a municipality or other entity to further the objectives of this Article.
- (h) The County Executive must report to the County Council twice each year on the progress of the recyclable solid waste program toward meeting the quantitative goals and any problems that hinder the achievement of those goals. (1990 L.M.C., ch. 4, § 1.)

#### **Sec. 48-48. Compliance.**

- (a) A person must not dispose of recyclable solid waste in a manner that violates this Article or regulations issued under it.
- (b) A person must not collect or remove recyclable solid waste which has been set out for collection in a recycling service area in accordance with the Executive regulations governing that area unless;
- (1) The person is licensed by the County or has a contract with the County to collect recyclable solid waste; or
  - (2) The property owner or occupant has expressly authorized a charitable organization to remove a recyclable item, and the organization collects the item on a different day from the County recyclable waste collection.

This section adds to the requirements in Sections 48-5 and 48-6. (1990 L.M.C., ch. 4, § 1.)

**Sec. 48-49. Enforcement.**

(a) Any violation of this Article or regulations issued under it is a class B violation. Each container holding recyclable solid waste which is disposed of or collected in violation of this Article or regulations issued under it is a separate violation.

(b) The proceeds of any citation issued for a violation of this Article must be paid into the solid waste collection and disposal fund established under section 48-43.

(c) The County Executive may suspend the collection of solid waste from any person who disposes of recyclable solid waste in violation of this Article or regulations issued under it. (1990 L.M.C., ch. 4, § 1.)

**Sec. 48-50. Marketing of recyclable solid waste; contracts.**

The County Executive may contract for the collection, purchase, processing and marketing of recycled or recyclable solid waste, subject to County procurement laws and regulations. The Executive may enter into contracts, subject to appropriation, with public agencies or private parties to aid or operate recycling programs and to create incentives for recycling. (1990 L.M.C., ch. 4, § 1.)

**Sec. 48-51. Regulations.**

The County Executive may adopt regulations to implement this article under method (1). (1990 L.M.C., ch. 4, § 1.)

**Notes**

\*Editor's note-The ten-year solid waste management plan was upheld in *King v. Gleason*, 32 Md. App. 151, 359 A.2d 245 (1976). Cross references-  
[\[Note\]](#) Beverage containers, ch. 6A; solid waste disposal in hospitals, sanitariums, nursing and care homes, § 25-43; sewers, sewage disposal and drainage, ch. 45.

[\[Note\]](#) \*Cross reference-Boards and commissions generally, § 2-141 et seq.

## **COMCOR 48.00.03 Residential and Commercial Recycling**

### **48.00.03.01 Definitions**

Terms defined herein are for purposes of this Article only. The terms used are as defined in Chapter 48 of the Montgomery County Code and as defined in this section:

- (a) "Acceptable" means items which conform to prevailing and customary standards of existing recycling markets.
- (b) "Business" means any enterprise, individual, corporation, partnership (limited or general), sole proprietorship or other entity or person, including institutions, health care facilities, construction sites, the Federal Government and other government agencies, to the extent authorized by law.
- (c) "Commingled materials" means acceptable items such as aluminum cans and foil products, bi-metal cans, glass bottles and jars, and plastic narrow neck bottles, which are not separated by type, but are mixed together in one container.
- (d) "Department" means Montgomery County Department of Public Works and Transportation.
- (e) "Director" means Director of the Montgomery County Department of Public Works and Transportation.
- (f) "Disposal facility" means the Montgomery County Transfer Station or any other location operated by the County where solid waste is taken for disposal.
- (g) "Employee" means any person working on-site 20 or more hours per week directly for the business or for an entity affiliated with the business; and any person working on-site for the business or an entity affiliated with the business as an agent or independent contractor for more than six months in any calendar year.
- (h) "Generator" means the owner or occupant of any dwelling unit where solid waste is generated, and the owner or occupant of any other business, entity or institution at, from, or by which solid waste is generated.
- (i) "Market" means any business that receives processed or unprocessed source separated or commingled recyclable solid waste and utilizes the material as a finished product or as a raw material for a manufacturing process.
- (j) "Mixed paper" means acceptable paper items which are not separated by type, but are mingled and collected together. These items include white paper, colored paper, corrugated cardboard, boxboard, newspaper and inserts, magazines, catalogs, telephone directories, paperback books, unwanted mail, and other clean, dry paper.
- (k) "Recyclables" means those materials in the solid waste stream which are collected, separated, processed and returned to the economic mainstream in the form of raw materials or product for reuse.
- (l) "Recycling" means any process by which materials are diverted from the solid waste stream and are collected, separated, processed and returned to the economic mainstream in the form of raw materials or product for reuse.
- (m) "Recycling plan" means a plan describing a program for source reduction and recycling.
- (n) "Scrap metal" means acceptable items consisting of metal and/or predominantly metal materials. These items include washers, dryers, refrigerators, air conditioners, dishwashers, sinks, stoves, freezers, furnaces, hot water heaters, trash

compactors, iron furniture, doors, cabinets, humidifiers/dehumidifiers, bikes, swing sets, aluminum lawn chairs, shower stalls, and disassembled metal sheds.

(o) "Solid waste stream" means solid waste as defined in Chapter 48-1 of the Montgomery County Code from the point of generation to disposal.

(p) "Sorted" means a category of recyclable materials which are further separated into sub- categories or groupings in preparation for recycling. For example, generators may separate paper by grade or type.

(q) "Source separation" means the process of separating recyclables from the solid waste stream at the point of generation and placing them into containers or arranging them in a manner specified by the County or by a valid collection contract for reuse or recycling.

(r) "Unavailable" means non-existent.

(s) "Unit" means housing unit.

(t) "Waste reduction/source reduction" means reducing the amount of waste generated at the source or point of generation.

(u) "Yard trim" means leaves, grass, garden trimmings and brush.

#### **48.00.03.02 Waiver from these Regulations, subject to the requirements of 48-3(c) of the Montgomery County Code**

(a) The Director may grant temporary or permanent waivers from participating in the recycling program to individuals who are physically impaired and who are not reasonably able to undertake the activities required by this regulation.

(b) The Director may also grant a temporary partial waiver for all generator categories for particular materials which would otherwise have to be recycled where markets for these materials are unavailable.

(c) Persons or entities for whom compliance with Section 3\* subsection (b) and subsection (c) herein would be an unreasonable hardship may apply to the Director for a temporary or permanent waiver in a manner prescribed by the Director.

**\*Editor's note**—see [48.00.03.03](#)

(d) For entities subject to recycling plan or report requirements, a request for a waiver must be submitted with the recycling plan and/or annual report. If the plan/report has already been filed, the request must accompany an amended plan/report. If the request for a waiver is denied, the plan and/or annual report must be resubmitted within 30 days from the date of denial, to include the materials for which a waiver was sought unless a plan and/or annual report on file already addresses those materials. Those persons or entities requesting a waiver must specify the materials requested to be waived from recycling requirements, the duration of the requested waiver, reason(s) for the request at the time they submit it, and include any documentation necessary to justify a waiver.

(1) The Director must consider the following criteria in granting a waiver:

(A) The unavailability of markets for the material identified;

(B) Extreme financial hardship due to significant disparity between the costs of recycling an identified material and the costs of disposal of that material; or

(C) The unavailability of an on-site or proximate off-site location to prepare and store materials for recycling.

#### **48.00.03.03 Solid Waste Reduction and Recycle Program**

(a) Single-family residential recycling program, including dwellings having 6 or fewer dwelling units.

(1) Recycling services areas.

(A) The entire County is a recycling service area for the collection of mixed paper; commingled materials; yard trim; Christmas trees; and scrap metals.

(B) Recycling service sub areas are designated on a map dated maintained by the Department and available upon request. All residents provided County recycling service must recycle in accordance with these regulations, Chapter 48 of the Montgomery County Code (1994), as amended, and the schedule for their recycling service sub area maintained and publicized by the Division of Solid Waste Services.

(2) Preparation of material for recycling collection.

(A) Mixed paper. Mixed paper must be separated from other solid waste and placed in wheeled carts provided by the County, in paper bags, in small cardboard boxes or tied with string strong enough to support the weight of the bundle and prevent dispersion. The total weight of each bag, box or bundle must not exceed 45 gallons in volume and 60 pounds in weight. A County supplied wheeled cart does not have a weight limit and can have up to a 100 gallon capacity. Mixed paper contaminated by garbage or other putrescible material must not be included for recycling.

(B) Commingled materials. All commingled materials must be separated from other solid waste and placed in a County approved container. Lids, tops, and any loose food or liquid must be removed.

(C) Yard trim. Grass and leaves must be placed in containers or large paper bags labeled "yard trim". Containers or bags must not exceed 45 gallons in volume and 60 pounds by weight. Brush must not exceed 4 inches in diameter and 6 feet in length, and must be placed in labeled containers or paper bags or tied in bundles no greater than 36 inches in diameter. Plastic bags must not be used to contain any yard trim or Christmas trees. Christmas trees must have all ornaments and metal objects removed.

(3) Collection requirements.

(A) Location. Materials to be recycled must be placed within 10 feet of the publicly maintained right-of-way closest to the dwelling. Materials must not be placed in a manner that interferes with parking or vehicular and pedestrian traffic.

(B) Alternate location. Residents for whom placement in accordance with paragraph (A) would be a hardship may apply to the Director for permission to use an alternate location. The Director may set a time limit on any permission granted. Any recycling container used at an approved alternate location must be identified, as provided by the Director, and must be visible from the publicly maintained right-of-way.

(C) Time limit. Materials prepared for recycling must be set out for collection no earlier than 5:00 p.m. before the designated day of collection, and no later than 7:00 a.m. on the designated day of collection. Recycling containers must be

removed from the collection location no later than 5:00 p.m. the day after that designated for collection.

(D) Litter. Owners and occupants are responsible for keeping the area around recycling containers litter free.

(b) Multi-family residential recycling program - Buildings with 7 or more dwelling units.

(1) Applicability. This section is applicable to all generators, property owners, property managers, whether individuals or entities, and common ownership associations, including boards of condominium associations and cooperative housing projects (as those terms are defined in state law) of multi-family dwelling units that have 7 or more units ("multi-family entities"). This section is not applicable to facilities receiving collection as described in (a) or to businesses covered under (c).

(2) Multi-family entities and residents must recycle. Materials which are required to be recycled are: mixed paper; commingled materials; yard trim; Christmas trees; and scrap metal items. Persons or entities covered by this section are encouraged to recycle any other materials for which there is a viable market.

(3) Plan and report requirements.

(A) Designation of responsible agent. Multi-family entities subject to this section must designate an agent responsible for carrying out the plan and report requirements of this section. In the case of multi-family dwelling units covered by a common ownership association, the association representative, as listed in the Office of Common Ownership Properties, is responsible. In the case of leased units or facilities, the property owner or representative, as listed with the Montgomery County Office of Landlord and Tenant Affairs or as confirmed through other sources, is responsible.

(B) Waste reduction and recycling plan.

1. Who must submit. Multi-family dwellings having 101 or more units must submit a waste reduction and recycling plan demonstrating how the entity will recycle or reduce the amount of solid waste going to disposal facilities with the goal of reducing solid waste for disposal by at least 50% annually, by volume or weight, for each facility. Multi-family dwellings having 100 or fewer units must submit a waste reduction and recycling plan demonstrating how the entity will recycle or reduce the amount of solid waste going to disposal facilities with the goal of reducing solid waste for disposal by at least 50% annually, by volume or weight, within 60 days from receipt of a written request for a plan from the Department.

2. Contents of plan. The plan must be submitted on forms provided by the Department and must include, at a minimum, description of facility by type; name, address, and telephone number of contact person responsible for on-site recycling program; list of materials to be recycled; name and address of person/collection company providing recycling collection service; sites where materials are delivered; and description of waste reduction activities.

(C) Annual report on waste reduction and recycling activities.

1. Who must submit. All multi-family entities having 101 or more units must prepare and submit to the Department, on or before February 1 of each

year, an annual waste reduction and recycling report for each facility covering the previous calendar year. Multi-family entities having 100 or fewer units must prepare and begin submission of initial annual waste reduction and recycling reports within 60 days from receipt of a written request for reports from the Department. From that time forward, each year, all of these entities must prepare and submit to the Department on or before February 1 annual waste reduction and recycling reports covering the previous calendar year.

2. Contents of report. The annual report must be submitted on a form provided by the Department and must include tonnages of materials collected for recycling and for solid waste disposal, and any changes from the approved recycling plan required under Section 3(b)(3)B(2)\* of this regulation. If recyclable materials are self-hauled to a recycling facility, the multi-family entity must obtain scale house tickets and provide these as documentation of quantity recycled for reporting requirements. Only in the event that scale house tickets are not obtainable, may receipts and/or other proof of quantity recycled be substituted. The annual report must also include a description of the multi-family entity's efforts to educate tenants, residents and/or employees about its recycling program.

**\*Editor's note**—see [48.00.03.03](#)(b)(3)B(2)

3. Review Process. Annual reports will be reviewed, field verified and audited by the Department through on-site evaluation.

(4) Certification. All reports and plans must be signed by a person authorized to bind the multi-family entity, and must certify that the information is correct to the best of his or her knowledge. Examples of authorized persons include the property owner or responsible agent.

(5) Verification of information. Multi-family entities must maintain, and make available, upon request, to the Department for inspection and copying during normal business hours, any contracts and invoices for collection and disposition of materials to be recycled for a period covering the most recent five (5) years. Contract prices and other such financial information may be deleted from the materials provided.

(6) Containers. Containers for all required recyclable materials in adequate sizes and quantities must be placed in each location where trash containers are located, and must be clearly labeled to indicate the appropriate material(s) to be placed inside for recycling. All containers must be located within reasonable and convenient proximity to all dwelling units, and to any offices, clubhouses, recreation facilities, and other uses on-site. In addition, wherever vending machines dispensing products in recyclable packaging are located, recycling containers for those materials must be located in close and convenient proximity.

(7) Property Owner of Multi-family Properties. Property owners of multi-family entities must make recycling collection service and storage space for recyclable solid waste available to tenants in compliance with these regulations and Section 48-24 of the Montgomery County Code.

(8) Collectors Servicing Multi-Family Entities.

(A) Collectors must collect and deliver to a recycling facility materials that have been source separated from the solid waste stream, unless the

recyclable materials are not acceptable. If a collector determines that the recyclable materials are not acceptable then the collector must inform the generator or responsible agent in writing using a form designated by the County, keep a copy on file, and send a copy to the Department. The collector must indicate the name of the property, name of the responsible agent notified, date, time, address, the nature of the problem and suggested remedy and specify a collector contact name and phone number for additional information.

(B) Collectors must provide a copy of their current Montgomery County Collector's License to each customer at least once annually, and must keep a copy of such notice and the date provided to its customer in their business records. If a copy has not yet been provided and a customer requests one, the collector must provide the customer with a copy of its license within 3 business days.

(9) Contract Services.

(A) A multi-family entity, when contracting for collection service of recyclable materials must use a currently licensed collection company that has a license to collect and transport recyclable solid waste in the County ("Licensed Collector").

(B) A multi-family entity contracting for collection services with a Licensed Collector must maintain for inspection a copy of the Licensed Collector's license. A property manager or responsible agent must produce a copy of the license upon request by the Department within 3 business days.

(c) Commercial recycling and waste reduction program - Generators/Businesses.

(1) Business Size. For the purposes of this subsection (c), businesses are classified into the following size categories:

Large businesses. All businesses with 250 or more employees.

Medium-sized businesses. All businesses with 100-249 employees.

Small businesses. Businesses with fewer than 100 employees.

(2) Applicability. This section applies to all generators and businesses, which must recycle the materials described in Section 3(c)(3)\* herein. All businesses in Montgomery County must comply with these recycling regulations within 30 days of operating within the County.

\***Editor's note**—see [48.00.03.03\(c\)\(3\)](#)

(3) Businesses and employees must recycle. Materials required to be recycled by businesses are: mixed paper or sorted paper; commingled materials (which may be sorted); yard trim; Christmas trees; and scrap metal items. Businesses are encouraged to recycle any other materials for which there is a viable market.

(4) Verification of information. Businesses must maintain, and make available, upon request, to the Department for inspection and copying during normal business hours, any contracts and invoices for collection and disposition of materials to be recycled for a period covering the most recent five (5) years. Contract prices and other such financial information may be deleted from the materials provided.

(5) Requirement for a waste reduction and recycling plan.

(A) Applicability.

1. Large and medium-sized businesses. All large and medium-sized businesses must prepare a waste reduction and recycling plan demonstrating how the business will recycle or reduce the amount of solid waste going to disposal facilities with the goal of reducing solid waste for disposal by at least 50% annually, by volume or weight.

2. Small businesses. Small businesses must prepare a waste reduction and recycling plan demonstrating how the business will recycle or reduce the amount of solid waste going to disposal facilities with the goal of reducing solid waste for disposal by at least 50% annually, by volume or weight, within 60 days from receipt of a written request for a plan from the Department.

3. Property owner of multi-tenant facilities. Owners of multi-tenant facilities must file a waste reduction and recycling plan covering facilities in their entirety, and including information for all tenants, demonstrating how the businesses will recycle or reduce the amount of solid waste going to disposal facilities with the goal of reducing solid waste for disposal by at least 50% annually, by volume or weight.

4. Multiple Business Locations. Each business required to submit a plan and/or report for multiple locations in the County may submit a single plan and/or report to cover multiple locations, or may submit an individual plan and/or report for each separate location demonstrating how the business will recycle or reduce the amount of solid waste going to disposal facilities with the goal of reducing solid waste for disposal by at least 50% annually, by volume or weight, in compliance with these regulations. Any plan and/or report covering multiple locations must list each property address subject to it, and each location covered by the plan and/or report must maintain a copy of the plan and/or report on the premises.

(B) Plan updates. A business must update its plan if there are changes to the waste reduction and recycling activities of the business or if required as a result of revisions to these regulations.

(C) Contents of plan. The waste reduction and recycling plan must be on forms provided by the Department and must include the following:

1. A description of the business, including:

a. Name and address of the property owner and the reporting business.

b. Names of all entities affiliated with the business, including any parent and subsidiary business.

c. Number of full-time and part-time employees.

d. Number of square feet occupied by the business.

e. The activities conducted by the business.

2. A description of the business current solid waste generation, including:

a. Estimated tonnage of all solid waste produced.

b. Identification of recyclable solid waste defined in subsection (c)(3) above.

3. A description of the business waste reduction and recycling methods.
4. Name(s) of the person(s) responsible for coordinating recycling and waste reduction activities, preparing the annual report, and for responding to the Department on actions concerning implementation and enforcement of these regulations.
5. Name and phone number of the licensed collector responsible for collecting the materials to be recycled and sites where materials are delivered.
- (6) Requirement for an annual report on waste reduction and recycling activities.

(A) Applicability.

1. Large businesses. Each year all large-sized businesses must prepare and submit to the Department on or before February 1 annual waste reduction and recycling reports covering the previous calendar year.
2. Medium-sized businesses. Each year, all medium-sized businesses must prepare and submit to the Department on or before March 1 annual waste reduction and recycling reports covering the previous calendar year.
3. Small businesses. Small-sized businesses must prepare and begin submission of initial annual waste reduction and recycling reports within 60 days from receipt of a written request for reports from the Department. From that time forward, each year, all of these small businesses must prepare and submit to the Department on or before March 1 annual waste reduction and recycling reports covering the previous calendar year.
4. Property owner of multi-tenant facilities. Owners of multi-tenant facilities must file annual waste reduction and recycling reports covering facilities in their entirety, and including information for all tenants. Each year, owners must prepare and submit to the Department on or before March 1 annual waste reduction and recycling reports covering the previous calendar year.

(B) Review Process. Annual reports will be reviewed, field verified and audited by the Department through on-site evaluation.

(C) Contents of the report. The annual report must include the following information on waste reduction and recycling activities conducted between January 1 and December 31 of the previous calendar year:

1. Any change in the description of the business as submitted in the waste reduction and recycling plan or most recent annual report, including:
  - a. The purpose of, and activities conducted by, the business.
  - b. The number of full-time and part-time employees associated with the business.

- c. The number of square feet occupied by the business.
2. Identification of the total annual tonnage of solid waste generated and the annual tonnage of each type of material being reduced or recycled.
3. Name and phone number of the licensed collector responsible for collecting the materials to be recycled and sites where materials are delivered.
4. If recyclable materials are self-hauled to a recycling facility, the business must obtain scale house tickets and provide these as documentation of quantity recycled for reporting requirements. Only in the event that scale house tickets are not obtainable, may receipts and/or other proof of quantity recycled be substituted.
5. A description of the progress in waste reduction and reuse efforts undertaken by the business.
6. A description of the property management's or business efforts to educate tenants and/or employees about its recycling program.

(D) Certification. All reports and plans must be signed by a person authorized to bind the business, and must certify that the information is correct to the best of his/her knowledge. Examples of authorized persons include a corporate officer (President, Vice- President, Chief Administrative Officer, Chief Operating Officer or their designee) or owner of the business.

(7) Containers. The owner or operator of each business must place containers for all required recyclable materials in adequate sizes and quantities in each location where trash containers are located, and must clearly label each container to indicate the appropriate material(s) to be placed inside for recycling. All containers must be located within reasonable and convenient proximity to all buildings and other uses on-site. In addition, any business that sells or provides food or beverages in recyclable containers for on-site consumption must provide an adequate size and number of recycling containers for use by consumers, and wherever vending machines dispensing products in recyclable packaging are located, recycling containers for those materials must be located in close and convenient proximity.

(8) Property owner of commercial properties. Property owners must make recycling collection service and storage space for recyclable solid waste available to tenants in compliance with these regulations and Section 48-24 of the Montgomery County Code.

(9) Collectors servicing commercial properties.

(A) Collectors must collect and deliver to a recycling facility materials that have been source separated from the solid waste stream, unless the recyclable materials are not acceptable. If a collector determines that the recyclable materials are not acceptable then the collector must inform the generator or responsible agent in writing using a form designated by the County, keep a copy on file, and send a copy to the Department. The collector must indicate the name of the business, name of the responsible agent notified, date, time, address, the nature of the problem and suggested remedy and specify a collector contact name and phone number for additional information.

(B) Collectors must provide a copy of its current Montgomery

(C) County Collector's License to each customer at least once annually, and must keep a copy of such notice and the date provided in their business records. If a copy has not yet been provided, and a customer requests one the collector must provide the customer with a copy of its license within 3 business days.

(10) Contract Services. Businesses that contract for recycling collection service are required to use a County-licensed collection company.

(A) A business, regardless of employee size or type, when contracting for collection service of recyclable materials must use a collection company that has a license to collect and transport recyclable solid waste in the County ("Licensed Collector").

(B) A business contracting for collection services with a Licensed Collector must maintain for inspection a copy of the Licensed Collector's license. A property manager or responsible agent must produce a copy of the license upon request by the Department within 3 business days.

#### **48.00.03.04 Administration**

(a) Responsibilities of the Department.

(1) Forms. The Department must prepare any forms, as appropriate, that assist multi-family dwellings with 7 or more units and businesses in meeting the requirements of these regulations.

(2) Confidentiality. Subject to applicable law, the Department must maintain the confidentiality of any information required to be provided in these regulations that identifies markets or customers. The Department must not, unless required by law to do so, disclose this information to third parties other than in nonspecific summary form in general recycling and solid waste analyses. This requirement does not prohibit the Department from using this information in preparing a summary analysis of waste reduction and recycling activities in the County.

#### **48.00.03.05 Enforcement**

These regulations may be enforced in accordance with Montgomery County Code 1994, as amended, Section 48-49.

#### **48.00.03.06 Construction**

This regulation must be construed liberally to permit the Department to effectuate the purposes of Article V (recycling) of Chapter 48 of the Montgomery County Code (1994), as amended, and the policies of the County's Comprehensive Solid Waste Management Plan.

(Administrative History: Reg. No. 15-04AM (Method 1); Superseding Reg. No. 109-92AM; Orig. Dept.: Environmental Protection)